

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>ANTOINE WAINWRIGHT,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Civil Case No. 04-183-GPM</b>
	)	
<b>EUGENE McADORY, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**REPORT AND RECOMMENDATION**

**FRAZIER, Magistrate Judge:**

Before the Court is plaintiff's motion for default judgment (Doc. No. 52). Plaintiff seeks judgment in his favor against defendants Ahmed, Anyanwa and Doughty, claiming that they were served with summons and copies of his complaint on February 27, 2006.

The materials on file show that the effort to serve these defendants through an agent was not effective (Doc. No. 49). Furthermore, judgment by default may not be entered without a hearing on damages. *United States v. Di Mucci*, 879 F.2d 1488, 1497 (7th Cir. 1989). Plaintiff is not entitled to judgment by default at this time.

IT IS RECOMMENDED that plaintiff's motion (Doc. No. 52) be DENIED.

**SUBMITTED: June 13, 2006.**

*s/Philip M. Frazier*  
**PHILIP M. FRAZIER**  
**UNITED STATES MAGISTRATE JUDGE**